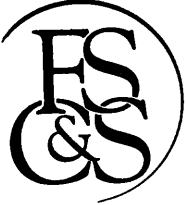


**FOSTER,  
SWIFT,  
COLLINS &  
SMITH, P.C.**  
Attorneys at Law



Walter S Foster  
1878-1961  
Richard B Foster  
1908-1996  
Theodore W Swift  
1928-2000  
John L Collins  
1926-2001

Webb A Smith  
Allan J Claypool  
Gary J McKay  
Stephen I Jurmu  
William K Fahey  
Stephen O Schultz  
William R Schulz  
Scott A Storey  
Charles A Janssen

Charles E Barbieri  
James B Jensen, Jr.  
Scott L Mandel  
Michael D Sanders  
Sherry A Stein  
Brent A Titus  
Brian A Kaser  
Robert E McFarland  
Stephen J Lowney  
Jean G Shtokol  
Brian G Goodenough  
Matt G Hrebec  
Eric E Doster  
Stephen J Rhodes  
Melissa J Jackson  
Steven H Lasher  
Nancy L Kahn  
Deanna Swisher

Mark J Buřych  
Alan G Gilchrist  
Thomas R Meagher  
Douglas A Mielock  
Scott A Chernich  
Donald E Martin  
Paul J Millenbach  
Dirk H Beckwith  
Brian J Renaud  
Bruce A Vande Vusse  
Lynwood P VandenBosch  
Lawrence Korolewicz  
James B Doezenia  
Alan T Rogalski  
Francis G Seyferth  
Anne M Seurynck  
Richard L Hillman  
Andrea J Hool

Steven L Owen  
Jennifer Kildea Dewane  
John P Nicolucci  
Francis C Flood  
Michael D Homier  
Keith A Castora  
Randall L Harbour  
David M Luck  
Robert J McCullen  
Glen A Schmiede  
Michael G Harrison  
Frederick B Bellamy  
Gilbert M Frimet  
Deborah J Williamson  
Mark J Colon  
Robert C Greene  
Scott H Hogan  
Peter R Tolley

Craig R Petersen  
George L McCargar, III  
Rebecca S Davies  
Barbara J Oyer  
Claire V Groen  
Kirsten M McNelly  
Emily L Matthews  
Benjamin J Price  
Ronald D Richards, Jr  
Joseph E Kozely  
Pamela C Dausman  
Terrence G Quinn  
Jacqueline E Bayley  
Dana M Bennett  
Radhika P Drake  
Todd W Hoppe  
Sarah J Gabis  
Larry R Jensen, Jr

Alison R Lievense  
Eleanor M Schroeder  
Philip E Hamilton  
John W Inhulsen  
Andrew C Vredenburg  
Amanda Garcia-Williams  
Zachary W Behler  
Christopher W Braverman

*Of Counsel*  
Lawrence B Lindemer  
David VanderHaagen  
Allan O Maki

Writer's Direct Phone: 517.371.8241

Fax: 517.367.7341

Reply To: Lansing

December 6, 2006

*By Federal Express*

Jeff S. Jordan, Supervisory Attorney  
Complaints Examination and Legal Administration  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Mr. Jordan:

Re: MUR 5881; Response of Walberg for Congress and Jeffrey Yeutter,  
Treasurer ("WFC")

This office represents Walberg for Congress ("WFC"), which has received a complaint (the "Complaint") designated Matter Under Review ("MUR") 5881 by the Federal Election Commission (the "Commission"). Attached are Designation of Counsel Statements executed by WFC.

Although the Complaint contains numerous allegations directed at the Club for Growth, Inc., PAC ("CFG-PAC"), the only allegation directed at WFC concerns the following unsubstantiated claim:

23. The CFG-PAC and Walberg for Congress knew that a substantial portion of the contributions received by CFG-PAC would be used to support Walberg for Congress. As such, the CFG-PAC and Walberg for Congress knowingly violated the campaign contribution limits applicable to individuals contributing to federal candidates.

Where are the facts to support this allegation as to what WFC "knew"? Although the Complaint attaches some exhibits allegedly prepared by CFG-PAC, no evidence has been offered with respect to WFC! Simply put, the Complaint makes no factual allegations of a violation by WFC.

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2006 DEC -7 A 10:00

LANSING  
313 S Washington Square  
Lansing, MI 48933-2193  
PH 517 371 8100  
FX 517 371 8200  
FARMINGTON HILLS  
Suite 230  
32300 Northwestern Hwy  
Farmington Hills, MI 48334-1571  
PH 248 539 9900  
FX 248 851 7504

GRAND RAPIDS  
Suite 200  
1700 East Beltline, NE  
Grand Rapids, MI 49525-2076  
PH 616 726 2200  
FX 616 726 2299

55558175072

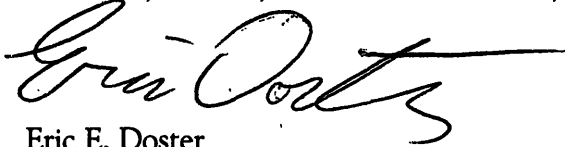
Jeff S. Jordan, Supervisory Attorney  
December 6, 2006  
Page 2

Accordingly, the Complaint is deficient on its face. The Commission regulations state that a complaint "should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction; and . . . [i]t should be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to the complainant." 11 C.F.R. §111.4(d)(3) and (4). The Complaint does not meet this standard and forces WFC into responding to pure speculation. The enforcement system will be abused unless the Commission requires concrete and specific factual information as required by Commission regulations. Stated differently, unless the Commission takes its pleadings standard seriously, the Commission procedures increasingly will be abused as a governmentally-sanctioned political weapon against core First Amendment activity. Accordingly, the Commission should summarily dismiss the Complaint under 11 C.F.R. §111.5.

To the extent that WFC is forced to submit a response in this matter, the attached affidavit of Joseph Wicks demonstrates that any charges are baseless and subject to dismissal under 2 U.S.C. §437g(a)(1) and 11 C.F.R. §111.6. In contrast to the conjecture set forth in the Complaint, the Wicks affidavit demonstrates that WFC did not conspire with CFG-PAC to collectively obtain individual contributions that exceeded the contribution limits applicable to federal candidates. But again, WFC should not have been put to the burden of making such a demonstration and the Commission need not rely on it to dispose of the Complaint. Nonetheless, if the Commission does determine to examine the merits of the Complaint, as demonstrated by the Wicks affidavit, the Commission should find that there is no reason to believe that WFC violated the Federal Election Campaign Act and the Complaint should be dismissed.

Sincerely,

FOSTER, SWIFT, COLLINS & SMITH, P.C.



Eric E. Doster

EED:js  
Enclosure



27044183356

DEC-04-2006 15:53

OGC

202 219 3923

P.02



## FEDERAL ELECTION COMMISSION

999 E Street, NW

Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL  
 Please use one form for each Respondent/Client  
 FAX (202) 219-3923

MUR # 5B81

NAME OF COUNSEL:

Eric Daster

FIRM:

Foster, Swift, Collins & Smith, P.C.

ADDRESS:

313 South Washington SquareLansing, MI 48933-2193TELEPHONE- OFFICE (517) 371-8241FAX (517) 371-8200

The above-named individual and/or firm is hereby designated as my  
 counsel and is authorized to receive any notifications and other communications  
 from the Commission and to act on my behalf before the Commission.

Date 12-5-06

Respondent/Client Signature

TREASURER

Title

Respondent/Client

Campaign Manager

RESPONDENT/CLIENT  
(Please Print)Jeff Yeutter and Joe WicksMAILING  
ADDRESS:Tipton, MI 49287

TELEPHONE- HOME

BUSINESS

Information is being sought as part of an investigation being conducted by the Federal Election  
 Commission and the confidentiality provisions of 2 U.S.C. § 4378(a)(12)(A) apply. This section  
 prohibits making public any investigation conducted by the Federal Election Commission without  
 the express written consent of the person under investigation

Rev. 2006

TOTAL P.02

12/04/2006 MON 15:39 [TX/RX NO 5816] 002

12/05/2006 TUE 15 18 [TX/RX NO 5938] 003

27044183357

AFFIDAVIT

Affidavit of Joseph Wicks  
Campaign Manager, Walberg for Congress

MUR 5881

STATE OF MI )  
COUNTY OF Jackson ) ss.

JOSEPH WICKS, being first duly sworn, deposes and says that this Affidavit is made upon personal knowledge of the facts stated herein, and if sworn as a witness, the affiant can testify competently to the following to the best of his knowledge:

1. I am the Campaign Manager for Walberg for Congress ("WFC").
2. As WFC Campaign Manager, I have personal knowledge of all activities or discussions that may have taken place between WFC and Club for Growth, Inc. PAC ("CFG-PAC").
3. I reviewed the Complaint in the above-referenced matter and can unequivocally state that WFC did not conspire with CFG-PAC to obtain individual contributions that exceeded contribution limits applicable to a federal candidate.
4. WFC did not conduct any joint or coordinated fundraising activity with CFG-PAC, including any activity to obtain direct contributions to WFC. Although WFC received earmarked contributions from CFG-PAC, such contributions were as a result of the unilateral efforts of CFG-PAC.
5. WFC did not know that any portion of contributions received from CFG-PAC would be used to support WFC.

27044183358

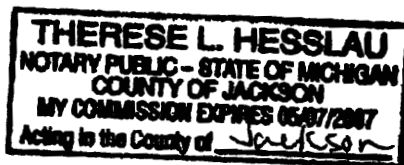
FURTHER, AFFIANT SAYETH NOT.

Dated: December 5, 2006

Joseph Wicks  
Joseph Wicks

STATE OF MI  
COUNTY OF Jackson ) ss.

On this 5<sup>th</sup> day of December, 2006, before me, a notary public in and for said county, personally appeared Joseph Wicks and executed the foregoing instrument and who acknowledged that he executed the same as his free act and deed.



Therese L. Hesslau  
Notary Public  
Jackson, County, Michigan  
My commission expires: May 7, 2007